

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

**NAVIGATORS INSURANCE
COMPANY, a foreign corporation,**

No. 3:12-cv-02076-HU

Plaintiff,

OPINION AND ORDER

v.

**K & O CONTRACTING LLC, an
Oregon limited liability company,**

Defendant.

MOSMAN, J.,

Judge Hubel recommended [44] Plaintiff Navigators Insurance Company's ("Navigators") motion for summary judgment be denied on September 23, 2013. Navigators objected [47], and Defendant K & O Contracting LLC's ("K&O") responded [51].

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. I am not bound by the recommendations of the magistrate judge; instead, I retain responsibility for making the final determination. I am required to review de novo those portions of the report or any specified findings or recommendations within it to which an objection is made. 28 U.S.C. § 636(b)(1). However, I am not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those

portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether objections have been filed, in either case I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1).

Upon review, I agree with Judge Hubel's recommendation, and I ADOPT the F&R [44] as my own opinion.

IT IS SO ORDERED.

DATED this 4th day of December, 2013.

/s/ Michael W. Mosman
MICHAEL W. MOSMAN
United States District Judge